(8)

CF/OF

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 1796 /2003

PETITIONER : Jeethanram, S/o Ram Kisun, aged 38 years, Occupation-Sarpanch of Gram Panchayat Mahabirganj District Sarguja, R/o Village Mahabirganj, Post Cheenya, Tahsil Pal, District Sarguja (C.G.)

-VERSUS-

RESPONDENTS :

1. State of Chhattisgarh through the Principal Secretary, Department of Panchayat & Rural Development, Mantralaya, D.K.S.Bhavan, Raipur.
2. Collector, Sarguja (C.G.)
3. Sub Divisional Officer (Revenue), Ramanujganj, District Sarguja (C.G.).
4. Block Education Officer, Block Ramchandrapur, Post Ramanujganj, District Sarguja (C.G.)

P. R. No. 1643/03
Presented by Shri Shiv Kumar Chha
dated 18/06/03

WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

XI-HC-22

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP/1796... सन् 2003

...विरुद्ध...

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	24-6-2003 Heard Mr. Rajeev Shrivastava, counsel for the petitioner and shri Sanjay K. Agrawal, Deputy Advocate General for the State / respondents. This writ petition under Article 226 /227 of the Constitution of India has been filed by the petitioner stating that he being a Sarpanch of Gram Panchayat Mahabirganj, District Sarguja, a show cause notice was issued to him stating therein that mid-day meal programme was not conducted by the Gram Panchayat in the school between July 2002 and December 2002 and on this ground an order of removal of the petitioner was passed by the Sub Divisional Officer Ramanujganj, respondent No.3 and the said order has been challenged before the Collector Sarguja, respondent No.2 by filing an appeal under Rule 3 of the Appeal and Revision Rules 1995 along with the stay application. Mr. Shrivastava argued that the stay application has been rejected vide order dated 9-6-2003 and the appeal is pending for hearing. By rejecting the stay application the petitioner's appeal has become meaningless and he is not getting justice, therefore, by this writ petition a relief has been sought that the dated 9th June 2003 passed by the Collector, Sarguja, in Panchayat Appeal No. A/89-64/2002-2003 by which the stay application has been rejected, be set-aside. Application {M.(W.)P. No. 1633/2003} has been filed for staying the operation of the order dated 9-6-2003. Mr. Sanjay K. Agrawal, Deputy Advocate General accept notice for the respondents and informed the Court that the appeal itself has been	

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(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

fixed for final hearing on 30th June 2003 which is clear from the impugned order.

After hearing the counsel for the parties and in the facts and circumstances of the case, I am of the opinion that without interfering with the impugned order, it will be appropriate to direct the Collector to decide the appeal itself within a period of 30 days or in case the Panchayat Department decides to fill-up the vacancy of the Sarpanch in that case to decide the appeal before the filling up of that vacancy or before out of the two i.e. 30 days or filling up of the vacancy whichever is earlier.

In view of this order, applications {M.(W.)P. No. 1633/2003 & I.A. No.5397/2003} stand disposed of.

The writ petition is disposed of accordingly.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barwel

[पीछे देखिये